

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 RANDALL KEVIN SANTELER,

5 Plaintiff,

6 vs.

7 GLORIA NAVARRO,

8 Defendant.

2:17-cv-01058-JCM-VCF

ORDER

9 Before the Court is Plaintiff's Notice and Demand by Declaration (ECF No. 1).

10 Federal Rule of Civil Procedure 3 governs commencing an action. Fed. R. Civ. P. 3. "A civil
11 action is commenced by filing a complaint with the court." *Id.* A complaint must contain the following:
12 (1) a statement of the grounds for jurisdiction, (2) a short and plain statement of the claim showing why
13 the Plaintiff is entitled to relief, and (3) a demand for relief. Fed. R. Civ. P. 8(a).

14 Under 28 U.S.C. § 1914(a), a filing fee is required to commence a civil action in federal court.

15 Here, Plaintiff has not complied with Rule 3 and 8. No complaint commencing this action has
16 been filed. The filing fee has not been paid. Plaintiff must pay the full filing fee for each case that he
17 seeks to open or file an application to proceed *in forma pauperis*.

18 Accordingly,

19 IT IS HEREBY ORDERED that Plaintiff's Notice and Demand by Declaration (ECF No. 1) is
20 DENIED without prejudice.

21 IT IS FURTHER ORDERED that Plaintiff has until June 1, 2017 to file a complaint with an
22 accompanying filing fee or an application to proceed *in forma pauperis*. Failure to comply with this order
23 may result in dismissal of this case.


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NOTICE

Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 1st day of May, 2017.



CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE